

REMARKS

Formal Matters

The title is amended to bring it into the conformance with the title as amended during the International Phase.

No claim is amended.

No new matter is added.

Response To Restriction Requirement

The Examiner therein required election of one of the following groups of claims:

- Group I: Claims 1-42 and 47-48, drawn to an antibody to the extracellular loop of C5aR and method of treating a subject with the antibody;
- Group II: Claims 43-46, drawn to a method of diagnosing a disorder involving neutrophil migration;
- Group III: Claims 49-50, drawn to a method of delivering a nucleic acid into a cell comprising attaching the nucleic acid to an antibody to the extracellular loop of C5aR; and
- Group IV: Claim 51, drawn to a method of treating a disorder involving neutrophil migration comprising transforming, cells with a nucleotide encoding a method of delivering a nucleic acid into a cell comprising attaching the nucleic acid to an antibody to the extracellular loop of C5aR.

The Applicants hereby elect to prosecute the claims of Group I, claims 1-42 and 47-48, with traverse as set out below.

While not agreeing with the Examiner's application of PCT Rules 13.1 and 13.2, Applicants note that the logic set out in the Office Action that is the basis for dividing the method claims into separate Restriction Groups should also result in setting out the methods of claims 40-42 and 47-48 into a further Restriction Group. For example, use of the compositions of claims 1-39 is not limited to the methods of claims 40-42 and 47-48. The claims of Group I

(which encompass antibodies and related compositions, as well as methods of treatment) could be more properly divided into two Groups, referred to as I(a) and I(b) below:

- I(a): drawn to antibodies to the extracellular loop of C5aR and related compositions (claims 1-39); and
- I(b): drawn to methods of treatment (claims 40-42 and 47-48).

If the Examiner is agreeable to the further division of Group I claims as set out above, in order to expedite prosecution Applicants hereby elect Group I(a) (claims 1-39) without traverse.

The Applicants expressly reserve any applicable rights to rejoinder, as well as the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

The Office Action at page 2, par. 3 notes that a complete reply must include an election of species; however, no election of species requirement was made. Thus, Applicants respectfully submit the present reply is complete.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number RICE-032.

Respectfully submitted,
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